

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner does not dispute any of the figures used by the Department. She needs medical coverage because she has a medical condition that requires potentially costly care.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income is included as countable income for eligibility. W.A.M. 4001.81(b) and (c). For employees the only deduction allowed is a \$90 standard deduction. Unfortunately for individuals in the petitioner's position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute that since April 2002 the petitioner has had countable income in excess of the maximum for eligibility under the VHAP program for a single individual of \$1,114 a month. P-2420 B (16). Once the petitioner has income above this amount, she cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

Although this was not explored at the hearing, despite her income the petitioner may well be eligible for other, more

limited, VHAP programs such as VScript that could help pay for any prescription medication she must take. If she has not already done so she should immediately apply for these benefits.

At the hearing it was explained to the petitioner that if her income should decrease she should promptly reapply for VHAP.

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